

## ENVIRONMENTAL PROTECTION COMMISSION [567]

### Adopted and Filed

Pursuant to the authority of Iowa Code section 459.312, the Environmental Protection Commission hereby adopts amendments to Chapter 65, “Animal Feeding Operations,” Iowa Administrative Code. Notice of Intended Action was published in the Iowa Administrative Bulletin on February 18 2004, as ARC 3167B. The amendments modify sub-rule 65.17, manure management plan requirements and related tables. The primary modification is adoption of the NRCS P index as prescribed by 2002 Iowa Acts, Chapter 1137. The amendments also include changes to clarify manure management plan requirements, and standard table values used for calculations in the sub-rule have been updated to reflect current Iowa State University publication values. Written comments were received by the department. In addition, oral comments were heard by the department at 5 public hearings held across the state.

The following indicates the significant changes that have been made to the Notice of Intended Action:

1. **65.17(1) “a”**. Language has been modified in this paragraph to maintain consistency when describing application rate limitations when based on the P index and when based on nitrogen use levels.
2. **65.17(1) “d”**. October 24, 2004 is a Sunday and DNR offices are not open on Sunday. Therefore, the first day that a phosphorus index based manure plan is required has been

moved from October 24, 2004 to October 25, 2004.

3. **65.17(2) “a”**. Language has been added to specify that if an operation is completely covered by Chapter 200 or 200A, that the P index is not required.
4. **65.17(2) “b” (6) numbered paragraph “7” and 65.17(3) “i” (2)**. Language has been added to these areas to indicate that a copy of the NRCS P index “detailed report” shall satisfy the requirement to include the factors used in the calculation.
5. **65.17(2) “b” (6) numbered paragraph “7” and 65.17(3) “i” (2)**. Field has been defined using 65.17(17) “a.”
6. **65.17(2) “b” (8) and 65.17(13)**. Length of time that records must be kept has been increased from four to five years. This is based on review of EPA’s CAFO rule, which the department must implement. The EPA’s CAFO rule indicates that records must be kept for at least five years. The department feels that adopting the EPA requirement now is more appropriate than changing from three to four years now, and from four to five years a year from now.
7. **65.17(4) “a” and “b”** in the NOIA have been consolidated into 65.17(4) “a”.
8. **65.17(5) “a”**. The language “content of the manure” has been replaced by “available to be applied” because this is what is actually calculated.
9. **65.17(6) “a” (3)**. The definition of a crop disaster for excluding yields from a yield average has been changed from “when a Farm Service Agency crop disaster payment or crop insurance payment is made for the field or farm” to “when there is a thirty or more percent reduction in yield for a particular field or farm from the average yield over the most recent five years.” Many comments were received indicating that a 15% yield loss should be considered a crop disaster however, a 30% reduction was used to be consistent with the Farm

Service Agency.

10. **65.17(6) “a” (3).** This sub-paragraph has been modified to indicate that proven crop yield documentation should not be submitted to the DNR, but should be maintained with the current manure management plan.
11. **65.17(8).** This sub-rule has been revised to indicate that agreements should not be submitted to the DNR, but should be maintained with the current manure management plan.
12. **65.17(8) “c”.** The first sentence of this paragraph is redundant to 65.17(8) “b” and has been removed.
13. **65.17(10).** This sub-rule has been modified to indicate that conservation plans should not be submitted to the DNR, but should be maintained with the current manure management plan.
14. **65.17(10).** This sub-rule has been amended to indicate that a copy of the NRCS RUSLE2 profile erosion calculation record satisfies the requirement to indicate the crop rotation, tillage practices and supporting practices to calculate sheet and rill erosion.
15. **65.17(10).** This sub-rule has been revised to more clearly indicate that while conservation plans are required only for HEL, when the P index goes into effect, the information on how RUSLE2 is calculated is required for all fields.
16. **65.17(13) “e”.** This paragraph has been modified to provide a one-year period before records of commercial nitrogen and phosphorus application are required. This one-year period will provide producers time to update their manure agreements to allow acquisition of this data from crop producers who receive manure.
17. **65.17(16) “b”.** The language “distributed throughout the sampling area” which inadvertently eliminated point grid sampling as a method for soil sampling has been replaced with “from the sampling area.”

18. **65.17(16) “c”**. Language has been added to specify that small fields with acreage between 10 and 15 acres need only one soil sample to meet the requirements of the rule.
19. **65.17(17) “a”**. The terms “thoroughfare” and “watercourse” have been replaced with “public thoroughfare” and “water source” to be consistent with the statutory terms.
20. **65.17(17) “b”**. This paragraph has been modified to say “When sheet and rill erosion is calculated for the P index, the soil type used for the calculation shall be the most erosive soil type that is at least 10% of the total field area.” The intent of this paragraph is to identify the soil type used when the RUSLE2 model is being run for the P index. The RUSLE2 program asks specifically for a soil type to consider for the calculation of sheet and rill erosion. The result of RUSLE2 is an erosion rate that is inputted directly into the NRCS P index spreadsheet under the heading “sheet and rill (RUSLE).” The NRCS, when running RUSLE2, chooses the predominant soil type in terms of erosion and not the most common soil type in the field. Therefore, the 10% approach is consistent with NRCS in that the most erosive soil type is used when running RUSLE2. The difference between the NRCS approach and what is proposed in this rule is that NRCS uses a more subjective approach to determining what the predominant soil type is; leaving the decision to the planner, while the rule provides a more rigid guideline. For regulatory purposes it’s important to have a concrete methodology for choosing the soil type in order to maintain consistency across all plans across the state and therefore, the use of the most erosive soil type that is greater than 10% of the total field area is a reasonable way to maintain consistency.
21. **65.17(17) “f”(1)** and **65.17(17) “f” (2)**. Low and Very low categories have been separated.
22. **65.17(17) “f”(3)**. The department has changed language in the “medium” that more clearly

indicates that if current or planned practices will not result in a “high” P index the next time the P index is run (new P index required every 4 years in adopted rule), that N-based management may be continued. Therefore, remedial measures are not required in the “medium” risk category. Additionally, new language (numbered paragraph “2”) prohibits application of P in excess of two times the P crop removal rate over the period of a crop rotation. The department concludes it is reasonable to consider drastic over-application of P within the confines of an N based plan inconsistent with the intent of the P index in the “medium” category.

23. **65.17(17) “f”(3) numbered paragraph 1.** An incorrect reference has been corrected.

Reference changed from 65.17(17) “d” to 65.17(17) “h” (3).

24. **65.17(17) “f”(4).** The “high” and “very high” categories have been separated with no application of manure in the “very high” category. Language has been added to allow P-based rates in the lower half of the “high” category (5-10) until December 31, 2008 if practices will be adopted to reduce the P index to “Medium.” This provides producers with fields in this range (5-10) a period of time to implement management practices to reduce P loss from the field while continuing to apply manure. The department concludes that for the upper half of the “high” range (10-15), there must be a severe erosion problem and extremely high soil P. Continued application on this ground is inappropriate until practices are actually implemented on the field. After December 31, 2008, no application will be allowed in the “high” category until practices are adopted to reduce the P index to “medium.”

25. **65.17(17) “g” (2)** Language that was previously located at 65.17(19) “f” has been moved here. The sub-paragraph has also been reworded for clarity.

26. **65.17(17) “h” (1) and 65.17(17) “h” (2).** These sub-paragraphs have been modified such that

when new management practices change the P index of a field or if a new field becomes available for manure application, the new P index information should not be submitted with the next annual update, but should be kept with the current manure management plan.

27. **65.17(18) “c”**. The language “needed for the crop” has been replaced with “based application rates” because nitrogen applied with manure to some crops is not agronomically needed to attain an optimum crop yield.
28. **65.17(19) “f”** Language pertaining to applying additional nitrogen fertilizer to meet the remaining N need when a P based rate is used has been moved from here in the NOIA to 65.17(17) “g” because that paragraph deals with the conditions in which additional fertilizer can be applied.
29. **65.17(19) “f”**. This paragraph has been added to provide guidelines for P availability in manure.

These amendments are intended to implement Iowa Code section 459.312.

These amendments will become effective on August 25, 2004.

The following amendments are adopted.

ITEM 1. Amend 567—Chapter 65 by replacing references to Iowa Code chapter 455B with the appropriate corresponding references to Iowa Code chapter 459.

ITEM 2. Amend rule 567—65.17(459) as follows:

**567 65.17(455B 459) Manure management plan content requirements.** All manure management plans ~~submitted after January 1, 1999, or when forms are available, whichever is~~

~~later,~~ are to be submitted on forms or electronically as prescribed by the department. The plans shall include all of the information specified in Iowa Code section ~~455B.203~~ 459.312 and as described below.

**65.17(1) General.**

a. A confinement feeding operation that is required to submit a manure management plan to the department shall not apply manure in excess of the nitrogen use levels necessary to obtain optimum crop yields. When a phosphorus index is required in a manure management plan as provided in 65.17(1)“d”, a confinement feeding operation shall not apply manure in excess of the rates determined in conjunction with the phosphorus index. ~~Nitrogen application rates shall be based on total nitrogen content of the manure unless the calculations are submitted to show that crop usage rates based on plant available nitrogen have not been exceeded for the crop schedule submitted.~~ Information to complete the required calculations may be obtained from the tables in this chapter, actual testing samples or from other credible sources including, but not limited to, Iowa State University, the United States Department of Agriculture (USDA), a licensed professional engineer, or an individual certified as a crop consultant under the American Registry of Certified Professionals in Agronomy, Crops, and Soils (ARCPACS) program, the Certified Crop Advisors (CCA) program, or the Registry of Environmental and Agricultural Professionals (REAP) program.

b. Manure management plans shall comply with the minimum manure control requirements of 65.2(~~455B~~ 459) and the requirements for land application of manure in 65.3(~~455B~~ 459).

c. ~~All m-~~Manure management plans shall include all of the following:

(1) The name of the owner and the name of the confinement feeding operation, including

mailing address and telephone number.

(2) The name of the contact person for the confinement feeding operation, including mailing address and telephone number.

(3) The location of the confinement feeding operation ~~and the animal weight capacity of the operation~~ identified by county, township, section, 1/4 section and, if available, the 911 address.

(4) The animal unit capacity of the confinement feeding operation and if applicable, the animal weight capacity.

d. A person who submits a manure management plan shall include a phosphorus index as part of the manure management plan as follows:

(1) A person who submitted an original manure management plan prior to April 1, 2002, shall submit a phosphorus index with the first manure management plan update on and after August 25, 2008.

(2) A person who submitted an original manure management plan on or after April 1, 2002, but prior to October 25, 2004, shall submit a phosphorus index with the first manure management plan update on and after August 25, 2006.

(3) A person who submits an original manure management plan on and after October 25, 2004 shall include the phosphorus index as part of the original manure management plan and manure management plan updates.

**65.17(2)** *Manure management plans for sales of manure.* Selling manure means the transfer of ownership of the manure for monetary or other valuable consideration. Selling manure does not include a transaction where the consideration is the value of the manure, or where an easement,



lease or other agreement granting the right to use the land only for manure application is executed.

*a.* Confinement feeding operations that will sell dry manure as a commercial fertilizer or soil conditioner regulated by the Iowa department of agriculture and land stewardship (IDALS) under Iowa Code chapter 200 or 200A shall submit a copy of their site-specific IDALS license or documentation that manure will be sold pursuant to Iowa Code chapter 200 or 200A, along with the department-approved manure management plan form for sales of dry manure. Operations completely covered by this paragraph are not required to meet other manure management plan requirements in this rule.

*b.* A confinement feeding operation not fully covered by paragraph “a” above and that has an established practice of selling manure, or ~~the~~ a confinement feeding operation that contains an animal species for which selling manure is a common practice, shall submit a manure management plan that includes the following:

(1) Until a phosphorus index is required as part of the manure management plan, Aan estimate of the number of acres required for manure application shall be calculated by dividing the total nitrogen available to be applied from the confinement feeding operation by the crop usage rate. Crop usage rate may be estimated by using a corn crop usage rate factor and an estimate of the optimum crop yield for the property in the vicinity of the confinement feeding operation.

(2) When a phosphorus index is required as part of the manure management plan, an estimate of the number of acres required for manure application shall be calculated by one of the following methods:

1. Dividing the total phosphorus (as P<sub>2</sub>O<sub>5</sub>) available to be applied from the confinement

feeding operation by the corn crop removal of phosphorus. The corn crop removal of phosphorus may be estimated by using the phosphorus removal rate in Table 4a at the end of this chapter and an estimate of the optimum crop yield for the property in the vicinity of the operation.

2. Totaling the quantity of manure that can be applied to each available field based on application rates determined in conjunction with the phosphorus index in accordance with 65.17(17), and ensuring that the total quantity that can be applied is equal to or exceeds the manure annually generated at the operation.

~~(2)~~ (3) The total nitrogen available to be applied from the confinement feeding operation.

(4) The total phosphorus (as P<sub>2</sub>O<sub>5</sub>) available to be applied from the confinement feeding operation if the phosphorus index is required in accordance with 65.17(1)“d.”

~~(3)~~(5) An estimate of the annual animal production and manure volume or weight produced.

~~(4)~~(6) A manure sales form, if manure will be sold, shall include the following information:

1. A place for the name and address of the buyer of the manure.
2. A place for the quantity of manure purchased.
3. The planned crop schedule and optimum crop yield ~~usage rate for the crops indicated in the crop schedule yields.~~
4. A place for the manure application methods and the timing of manure application.
5. A place for the location of the field ~~where the manure will be applied~~ including the number of acres where the manure will be applied.

6. A place for the manure application rate.

7. When a phosphorus index is required as part of a manure management plan in accordance with 65.17(1)“d”, a place for a phosphorus index of each field receiving manure, as defined in 65.17(17) “a”, including the factors used in the calculation. A copy of the NRCS P index “detailed report” shall satisfy the requirement to include the factors used in the calculation.

~~(5)~~(7) Statements of intent if the manure will be sold. The number of acres indicated in the statements of intent shall be sufficient according to the manure management plan to apply the manure from the confinement feeding operation. The permit holder for an existing confinement feeding operation with a construction permit may submit past records of manure sales instead of statements of intent. The statements of intent shall include the following information:

1. The name and address of the person signing the statement.
2. A statement indicating the intent of the person to purchase the confinement feeding operation’s manure.
3. The location of the farm where the manure can be applied including the total number of acres available for manure application.
4. The signature of the person who may purchase the confinement feeding operation’s manure.

~~(6)~~(8) The owner shall maintain in the owner’s records a current manure management plan and copies of all of the manure sales forms completed and signed by each buyer of the manure and the applicant for three years after each sale. Effective August 25, 2006, the owner shall maintain in the owner’s records all of the manure sales forms for five years after each sale.

An owner of a confinement feeding operation shall not be required to maintain current

statements of intent as part of the manure management plan.

**65.17(3)** *Manure management plan for nonsales of manure.* Confinement feeding operations that will not sell all of their manure shall submit the following for that portion of the manure which will not be sold:

- a.* Calculations to determine the land area required for manure application.
- b.* The total nitrogen available to be applied from the confinement feeding operation.
- c.* The planned crop schedule and optimum crop yields, ~~and crop usage rate for the crops indicated in the crop schedule.~~
- d.* Manure application methods and timing of the application.
- e.* The location of manure application.
- f.* An estimate of the annual animal production and manure volume or weight produced.
- g.* Methods, structures or practices that will be used to reduce soil loss and prevent surface water pollution.
- h.* Methods or practices that will be utilized to reduce odor if spray irrigation equipment is used to apply manure.

*i.* When a phosphorus index is required as part of the manure management plan in accordance with 65.17(1)“d”, the following are required:

(1) The total phosphorus (as P<sub>2</sub>O<sub>5</sub>) available to be applied from the confinement feeding operation.

(2) A phosphorus index of each field in the manure management plan, as defined in 65.17(17) “a”, including the factors used in the calculation. A copy of the NRCS P index “detailed report” shall satisfy the requirement to include the factors used in the calculation.

**65.17(4)** *Manure management plan calculations to determine land area required for manure application.*

~~a. The number of acres of cropland needed for manure application shall be calculated by dividing the total nitrogen available to be applied from the confinement feeding operation by the nitrogen crop usage rate.~~ The number of acres needed for manure application for each year of the crop schedule shall be determined as follows:

(1) Until a phosphorus index is required in accordance with 65.17(1)“d”, the requirements of 65.17(18) shall be followed.

(2) When a phosphorus index is required in accordance with 65.17(1)“d”, the requirements of 65.17(17) shall be followed.

~~b. Manure from a confinement feeding operation may be applied in excess of the annual crop usage rate if soil testing determines that phosphorus or potassium levels are below recommended levels. However, maximum manure application rates shall not exceed 1.5 times the annual crop nitrogen usage rate; or, that rate which provides the recommended amount of phosphorus or potassium, whichever is more limiting, to obtain the optimum crop yield.~~

Operations evaluated with the master matrix pursuant to 65.10(3) that claim points for additional separation distance for the land application of manure must maintain those distances for each year of the manure management plan.

c. Nitrogen in addition to that allowed in the manure management plan may be applied up to the amounts, indicated by soil or crop nitrogen test results, necessary to obtain the optimum crop yield.

**65.17(5)** *Total nitrogen and total phosphorus (as  $P_2O_5$ ) available from the confinement feeding operation.*

a. To determine the nitrogen available to be applied ~~content of the manure~~ per year, use the factors in Table 3, “Annual Pounds of Nitrogen Per Space of Capacity,” multiplied by the number of spaces shall be used. To determine total phosphorus (as  $P_2O_5$ ) available to be applied per year, the factors in Table 3a, “Annual Pounds of Phosphorus Per Space of Capacity,” multiplied by the number of spaces shall be used. If the ~~table is~~ tables are not used to determine the nitrogen or phosphorus available to be applied ~~content of the manure~~ per year, other credible sources for standard table values or the actual nitrogen and phosphorus content of the manure may be used. The actual nitrogen and phosphorus content shall be determined by a laboratory analysis along with measured volume or weight of ~~the~~ manure from the manure storage structure or from a manure storage structure with ~~similar~~ design and management as similar to the confinement feeding operation’s manure storage structure.

b. ~~Credit for nitrogen from legume production in the year prior to growing corn or other grass crops shall be deducted from the total nitrogen to be applied according to the crop schedule submitted. Any planned commercial fertilizer nitrogen shall also be deducted from the total nitrogen that can be applied from manure sources.~~ If an actual sample is used to represent the nutrient content of manure, the sample shall be taken in accordance with Iowa State University extension publication PM 1558, “Management Practices: How to Sample Manure for Nutrient Analysis.” The department may require documentation of the manure sampling protocol or take a split sample to verify the nutrient content of the operation’s manure.

c. ~~The correction factor for nitrogen losses shall be determined for the method of~~

~~application by the following, or from other credible sources for standard nitrogen loss values.~~

<del>Surface apply dry with no incorporation</del>	<del>0.70</del>
<del>Surface apply liquids with no incorporation</del>	<del>0.75</del>
<del>Surface apply liquid or dry with incorporation within 24 hours</del>	<del>0.95</del>
<del>Surface apply liquid or dry with incorporation after 24 hours</del>	<del>0.80</del>
<del>Knifed in or soil injection of liquids</del>	<del>0.98</del>
<del>Irrigated liquids with no incorporation</del>	<del>0.60</del>

**65.17(6) ~~Calculating the crop usage rate~~ Optimum crop yield and crop schedule.**

~~a. The optimum crop yield shall be determined for the cropland where the manure is to be applied. Any of the following methods for calculating the optimum crop yield may be used. To determine the optimum crop yield, the applicant may either exclude the lowest crop yield for the period of the crop schedule in the determination or allow for a crop yield increase of 10 percent. In using these methods, adjustment to update yield averages to current yield levels may be made if it can be shown that the available yield data is not representative of current yields. The optimum crop yield shall be determined using any of the following methods for the cropland where the manure is to be applied:~~

(1) Soil survey interpretation record. The plan shall include a ~~soil type~~ map showing ~~types~~ soil map units for the fields where manure will be applied. The optimum crop yield for each field shall be determined by using the weighted average of the soil interpretation record yields for the soils on the cropland where the manure is to be applied. Soil interpretation records from the Natural Resources Conservation Service shall be used to determine yields based on soil ~~type~~ map units.

~~(2) Consolidated farm service agency yields. The plan shall include a copy of the consolidated farm service agency's determined crop yield or verified yield data for the cropland where the manure is to be applied.~~ USDA county crop yields. The plan shall use the county yield data from the USDA Iowa Agricultural Statistics Service.

~~(3) Countywide crop insurance yields. The plan shall include a copy of the county average yields established for crops covered by the catastrophic crop insurance program administered by the consolidated farm service agency.~~ Proven yield methods. Proven yield methods may only be used if a minimum of the most recent three years of yield data for the crop is used. These yields can be proven on a field-by-field or farm-by-farm basis. Crop disaster years may be excluded when there is a thirty or more percent reduction in yield for a particular field or farm from the average yield over the most recent five years. Excluded years shall be replaced by the most recent nondisaster years. Proven yield data used to determine application rates shall be maintained with the current manure management plan. Any of the following proven yield methods may be used:

1. Proven yields for USDA Farm Service Agency. The plan shall use proven yield data or verified yield data for Farm Service Agency programs.

2. Proven yields for multiperil crop insurance. Yields established for the purpose of purchasing multiperil crop insurance shall be used as proven yield data.

3. Proven yields from other methods. The plan shall use the proven yield data and indicate the method used in determining the proven yield.

~~(4) Multiperil crop insurance proven yields. Yields established for the purpose of purchasing multiperil crop insurance shall be used as proven yield data. A copy of the yield~~



~~information on the multiperil crop insurance form shall be submitted as proven yield verification. The optimum yield determined for each crop shall be the average of at least three years' yield data.~~

~~(5) Proven yields. The plan shall include the proven yield for the cropland that will be used for manure application and indicate the method used in determining the proven yield. Proven yields can only be used if a minimum of the most recent three years of yield data is submitted. The proven yields may exclude years in which a crop disaster occurred on the field or farm. These yields can be proven on a field-by-field or farm-by-farm basis.~~

~~(6) USDA county crop yields. The plan shall include the county yield data from the USDA Iowa Agricultural Statistics Service.~~

*b. Crop schedule.* Crop schedules shall include the name and total acres of the planned crop on a field-by-field or farm-by-farm basis where manure application will be made. A map ~~can~~ may be used to indicate crop ~~plans~~ schedules by field or farm. ~~These plans~~ The planned crop schedule shall name the ~~crop that is~~ crop(s) planned to be grown ~~in each successive growing season for the length of the crop rotation~~ beginning with the crop planned or actually grown during the year this plan is submitted or the first year manure will be applied. ~~Records shall be maintained of a multiyear planned crop schedule, including the crop grown, or planned to be grown for the current year and the planned crops for successive years.~~ The confinement feeding operation owner shall not be penalized for exceeding the nitrogen or phosphorus application rate for an unplanned crop, if crop schedules are altered because of weather, farm program changes, market factor changes, or other unforeseeable circumstances.

*c. Crop usage rates.* ~~Crop nitrogen requirements may be based on the values in Table 4 at the end of this chapter or other credible sources. The corn crop usage rate and the optimum corn~~

~~crop yield instead of the table value for a legume crop for those years in the crop schedule that are part of a corn/legume rotation may be used.~~

**65.17(7)** No change.

**65.17(8)** *Location of manure application.*

a. The manure management plan shall identify each farm where the manure will be applied, the number of acres that will be available for the application of manure from the confinement feeding operation, and the basis under which the land is available.

b. ~~The manure management plan shall include a~~ A copy of each written agreement executed with the owner of the land where manure will be applied shall be maintained with the current manure management plan. The written agreement shall indicate the acres on which manure from the confinement feeding operation may be applied and the length of the agreement. A written agreement is not required if the land is owned or rented for crop production by the owner of the confinement feeding operation.

c. ~~The current manure management plan must also include a copy of each written agreement executed with the landowner when the location where the manure will be applied to land not owned or rented for crop production by the owner of the confinement feeding operation is changed.~~ If a present location becomes unavailable for manure application, additional land for manure application shall be identified in the current manure management plan prior to the next manure application period.

**65.17(9)** No change.

**65.17(10)** *Methods to reduce soil loss and potential surface water pollution.* The manure management plan shall include an identification of the methods, structures or practices that will be used to prevent or diminish soil loss and potential surface water pollution during the application of manure. ~~The~~ Until a phosphorus index is required in accordance with 65.17(1)“d”, the current manure management plan shall include maintain a summary or copy of the conservation plan for the cropland where manure from the animal feeding operation will be applied if the manure will be applied on highly erodible cropland. The conservation plan shall be the conservation plan approved by the local soil and water conservation district or its equivalent. The summary of the conservation plan shall identify the methods, structures or practices that are contained in the conservation plan. When a phosphorus index is required in accordance with 65.17(1)“d”, the manure management plan shall indicate for each field in the plan, the crop rotation, tillage practices and supporting practices used to calculate sheet and rill erosion for the phosphorus index. A copy of the NRCS RUSLE2 profile erosion calculation record shall satisfy the requirement to indicate the crop rotation, tillage practices and supporting practices to calculate sheet and rill erosion. The plan shall also identify the highly erodible cropland where manure will be applied. The manure management plan may include additional information such as whether the manure will be injected or incorporated or the type of manure storage structure.

**65.17(11)** No change.

**65.17(12) *Current manure management plan.*** The owner of a confinement feeding operation ~~which~~ who is required to submit a manure management plan shall maintain a current manure management plan at the site of the confinement feeding operation or at a residence or office of the owner or operator of the operation within 30 miles of the site ~~unless other arrangements acceptable to the department are made so that a copy of the current plan can be made available to the department within two working days after being requested.~~ The plan shall include completed manure sales forms for a confinement feeding operation from which manure is sold. If manure management practices change, a person required to submit a manure management plan shall make appropriate changes consistent with this rule. If values other than the standard table values are used for manure management plan calculations, the source of the values used shall be identified.

**65.17(13) *Record keeping.*** Records shall be maintained by the owner of a confinement feeding operation ~~which~~ who is required to submit a manure management plan. This recorded information shall be maintained for three years following the year of application or for the length of the crop rotation, whichever is greater. Effective August 25, 2006, records shall be maintained for five years following the year of application or for the length of the crop rotation, whichever is greater. Records shall be maintained at the site of the confinement feeding operation or at a residence or office of the owner or operator of the facility within 30 miles of the site. ~~unless other arrangements acceptable to the department are made so that a copy can be made available to the department within two working days after being requested by the department for inspection pursuant to Iowa Code section 455B.203.~~ Records to demonstrate compliance with the manure management plan shall include the following:

~~a. Methods of application when manure from the confinement feeding operation was applied.~~ Factors used to calculate the manure application rate:

(1) Optimum yield for the planned crop.

(2) Types of nitrogen credits and amounts.

(3) Remaining crop nitrogen needed.

(4) Nitrogen content and first year nitrogen availability of the manure.

(5) Phosphorus content of the manure if required in accordance with 65.17(3)“i.” If an actual sample is used, documentation shall be provided.

~~b. Date(s) when the manure from the confinement feeding operation was applied or sold.~~  
If phosphorus based application rates are used, the following shall be included:

(1) Crop rotation.

(2) Phosphorus removed by crop harvest of that crop rotation.

~~c. Location of the field where the manure from the confinement feeding operation was applied, including the number of acres.~~ Maximum allowable manure application rate.

~~d. The~~ Actual manure application ~~rate~~ information:

(1) Methods of application when manure from the confinement feeding operation was applied.

(2) Date(s) when the manure from the confinement feeding operation was applied.

(3) Location of the field where the manure from the confinement feeding operation was applied, including the number of acres.

(4) The manure application rate.

e. Effective August 25, 2005, date(s) and application rate of commercial nitrogen and phosphorus on fields that received manure.

f. When a phosphorus index is required in accordance with 65.17(1)“d”, a copy of the current soil test lab results for each field in the manure management plan.

g. For sales of manure under 65.17(2)“b,” record-keeping requirements of 65.17(2)“b”(8) shall be followed.

**65.17(14) *Record inspection.*** The department may inspect a confinement feeding operation at any time during normal working hours and may inspect the manure management plan and any records required to be maintained. As required in Iowa Code section ~~455B.203(5)~~ 459.312(12), Iowa Code chapter 22 shall not apply to the records which shall be kept confidential by the department and its agents and employees. The contents of the records are not subject to disclosure except as follows:

- a. Upon waiver by the owner of the confinement feeding operation.
- b. In an action or administrative proceeding commenced under this chapter. Any hearing related to the action or proceeding shall be closed.
- c. When required by subpoena or court order.

**65.17(15)** No change.

**65.17(16) *Soil sampling requirements for fields where the phosphorus index must be used.*** Soil samples shall be obtained from each field in the manure management plan at least once every four years. Each soil sample shall be analyzed for phosphorus and pH. The soil sampling protocol shall meet all of the following requirements:

a. Acceptable soil sampling strategies include, but are not limited to, grid sampling, management zone sampling, and soil type sampling. Procedural details can be taken from Iowa State University extension publication PM 287, “Take a Good Soil Sample to Help Make Good Decisions,” NCR-13 Report 348, “Soil Sampling for Variable-Rate Fertilizer and Lime Application,” or other credible soil sampling publications.

b. Each soil sample must be a composite of at least ten soil cores from the sampling area, with each core containing soil from the top six inches of the soil profile.

c. Each soil sample shall represent no more than ten acres. For fields less than or equal to 15 acres, only one soil sample is necessary.

d. Soil analysis must be performed by a lab enrolled in the IDALS soil testing certification program.

e. The soil phosphorus test method must be an appropriate method for use with the phosphorus index. If soil pH is greater than or equal to 7.4, soil phosphorus data from the Bray-1 extraction method is not acceptable for use with the phosphorus index.

**65.17(17) Use of the phosphorus index.** Manure application rates shall be determined in conjunction with the use of the Iowa Phosphorus Index as specified by the USDA Natural Resources Conservation Service (NRCS) Iowa Technical Note No. 25.

a. The phosphorus index shall be used on each individual field in the manure management plan. The fields must be contiguous and shall not be divided by a public thoroughfare or a water source as each is defined in this chapter. Factors to be considered when a field is defined may include, but are not limited to, cropping system, erosion rate, soil phosphorus concentration, nutrient application history, and the presence of site-specific soil conservation practices.

b. When sheet and rill erosion is calculated for the phosphorus index, the soil type used for the calculation shall be the most erosive soil map unit that is at least 10% of the total field area.

c. The average (arithmetic mean) soil phosphorus concentration of a field shall be used in the phosphorus index.

d. Soil phosphorus concentration data is considered valid for use in the phosphorus index if the data is 4 years old or less and meets the requirements of 65.17(16).

e. For an original manure management plan, previous soil sampling data that does not meet the requirements of 65.17(16) may be used in the phosphorus index if the data is four years old or less. In the case of fields for which soil sampling data is used that does not meet the requirements of 65.17(16), the fields must be soil sampled according to the requirements of 65.17(16) no more than one year after the manure management plan is approved.

f. The following are the manure application rate requirements for fields that are assigned the phosphorus index site vulnerability ratings below as determined by the NRCS Iowa Technical Note No. 25 to the NRCS 590 standard rounded to the nearest one-hundredth:

(1) Very Low (0-1).

1. Manure shall not be applied in excess of a nitrogen based rate in accordance with 65.17(18).

2. If, pursuant to 65.17(19), manure is applied at phosphorus-based rates within soil sampling periods on fields in the Very Low risk category, each soil sample may represent up to 20 acres for the next required soil sampling.

(2) Low (>1-2).

1. Manure shall not be applied in excess of a nitrogen-based rate in accordance with 65.17(18).

2. If, pursuant to 65.17(19), manure is applied at phosphorus-based rates within soil sampling periods on fields in the Low risk category, each soil sample may represent up to 20 acres for the next required soil sampling.



(3) Medium (>2-5):

1. Manure may be applied at a nitrogen-based rates in accordance with 65.17(18) if current or planned soil conservation and phosphorus management practices predict the rating of the field to be not greater than five (5) for the next determination of the phosphorus index as required by 65.17(17)“h”(3).

2. Manure shall not be applied in excess of two times the phosphorus removed with crop harvest over the period of the crop rotation.

3. If manure is applied at phosphorus based rates within soil sampling periods pursuant to 65.17(19) on fields in the Medium risk category, each soil sample may represent up to 20 acres for the next required soil sampling.

(4) High (>5-15). No manure shall be applied on a field with a rating greater than five and less than or equal to 15 until practices are adopted which reduce the phosphorus index to at least the Medium risk category. However, prior to December 31, 2008, fields with a phosphorus index greater than five and less than or equal to ten may receive manure at a phosphorus-based rate in accordance with 65.17(19) if practices will be adopted to reduce the phosphorus index to the Medium category.

(5) Very High (>15): No manure shall be applied on a field with a rating more than 15.

g. Additional commercial fertilizer may be applied as follows on fields receiving manure:

(1) Phosphorus fertilizer may be applied in addition to phosphorus provided by the manure up to amounts recommended by soil tests and Iowa State University extension publication PM 1688, “General Guide for Crop Nutrient Recommendations in Iowa.”

(2) Nitrogen fertilizer may be applied in addition to nitrogen provided by the manure to meet the remaining nitrogen need of the crop as calculated in the current manure management

plan. Additional nitrogen fertilizer may be applied up to the amounts indicated by soil test nitrogen results or crop nitrogen test results as necessary to obtain the optimum crop yield.

h. Updating the phosphorus index.

(1) When any inputs to the phosphorus index change, an operation shall recalculate the phosphorus index and adjust the application rates if necessary.

(2) If additional land becomes available for manure application, the phosphorus index shall be calculated to determine the manure application rate before manure is applied.

(3) An operation must submit a complete manure management plan using a new phosphorus index for each field in the manure management plan a minimum of once every four years.

**65.17(18) Requirements for application of a nitrogen-based manure rate to a field.**

a. Nitrogen-based application rates shall be based on the total nitrogen content of the manure unless the calculations are submitted to show that nitrogen crop usage rates based on plant-available nitrogen have not been exceeded for the crop schedule submitted.

b. The correction factor for nitrogen losses shall be determined for the method of application by the following or from other credible sources for nitrogen volatilization correction factors.

<u>Knifed in or soil injection of liquids</u>	<u>0.98</u>
<u>Surface-apply liquid or dry with incorporation within 24 hours</u>	<u>0.95</u>
<u>Surface-apply liquid or dry with incorporation after 24 hours</u>	<u>0.80</u>
<u>Surface-apply liquids with no incorporation</u>	<u>0.75</u>
<u>Surface-apply dry with no incorporation</u>	<u>0.70</u>

c. Nitrogen-based application rates shall be based on the optimum crop yields as determined in 65.17(6) and crop nitrogen usage rate factor values in Table 4 at the end of this chapter or other credible sources.

d. A nitrogen-based manure rate shall account for legume production in the year prior to growing corn or other grass crops and shall account for any planned commercial fertilizer application.

**65.17(19) Requirements for application of a phosphorus-based manure rate to a field**

a. Phosphorus removal by harvest for each crop in the crop schedule shall be determined using the optimum crop yield as determined in 65.17(6) and phosphorus removal rates of the harvested crop from Table 4a at the end of this chapter or other credible sources. Phosphorus crop removal shall be determined by multiplying optimum crop yield by the phosphorus removal rate of the harvested crop.

b. Phosphorus removal by the crop schedule shall be determined by summing the phosphorus crop removal values determined in 65.17(19)“a” for each crop in the crop schedule.

c. The phosphorus applied over the duration of the crop schedule shall be less than or equal to the phosphorus removed with harvest during that crop schedule as calculated in 65.17(19)“b” unless additional phosphorus is recommended by soil tests and Iowa State University extension publication PM 1688, “General Guide for Crop Nutrient Recommendations in Iowa.”.

d. Additional requirements for phosphorus-based rates.

(1) No single manure application shall exceed the nitrogen-based rate of the planned crop receiving the particular manure application.

(2) No single manure application shall exceed the rate that applies to the expected amount of phosphorus removed with harvest by the next four anticipated crops in the crop schedule.

e. If the actual crop schedule differs from the planned crop schedule, then any surplus or deficit of phosphorus shall be accounted for in the subsequent manure application.

f. Phosphorus in manure should be considered 100% available unless soil phosphorus concentrations are below optimum levels for crop production. If soil phosphorus concentrations are below optimum levels for crop production phosphorus availability, values suggested in Iowa State University extension publication PM 1811, “Managing Manure Nutrients for Crop Production” or Other Credible Sources, shall be used.

ITEM 3. Amend 567—Chapter 65, Table 3, as follows:

TABLE 3  
Annual Pounds of Nitrogen Per Space of Capacity  
Source: PM 1811, Managing Manure Nutrients for Crop Production

<u>Swine</u>	<u>Space</u>	<u>Liquid, Pit* or Basin**</u>	<u>Liquid, Lagoon***</u>	<u>Solid Manure</u>
Nursery, 25 lb.	1 head	2	1	5
Grow-finish, 150 lb.				
Formed storage*				
Dry feeders	1 head	21		29
Wet/dry feeders	1 head	<del>23</del> 19		29
Earthen storage**	1 head	14		29
Lagoon***	1 head		6	29
Gestation, 400 lb.	1 head	<del>44</del> 27	5	39
Sow & Litter, 450 lb.	1 crate	32	11	86
Farrow-nursery	Per sow in	22	8	85
	breeding herd			
Farrow-finish	Per sow in	150	44	172
	breeding herd			

<u>Dairy, Confined</u>	<u>Space</u>	<u>Liquid, Pit*</u>	<u>Liquid, Lagoon***</u>	<u>Solid Manure</u>
		28		

<u>Swine</u>	<u>Space</u>	<u>Liquid, Pit* or Basin** or Basin**</u>	<u>Liquid, Lagoon***</u>	<u>Solid Manure</u>
Cows, 1200 & up lb.	1 head	<del>129</del> 164	59	<del>239</del> 140
Heifers, 900 lb.	1 head	<del>97</del> 81	44	<del>179</del> 65
Calves, 500 lb.	1 head	<del>54</del> 45	24	<del>100</del> 15
Veal calves, 250 lb.	1 head	<del>27</del> 22	12	<del>50</del> 10
Dairy herd	Per productive cow in herd	<del>203</del> 169	87	<del>393</del> 180
<u>Beef, Confined</u>	<u>Space</u>	<u>Liquid, Pit* or Basin**</u>	<u>Liquid, Lagoon***</u>	<u>Solid Manure</u>
Mature cows, 1000 lb.	1 head	105	23	147
Finishing, 900 lb.	1 head	95	19	132
Feeder calves, 500 lb.	1 head	53	11	73
<u>Poultry</u>	<u>Space</u>			<u>Dry Manure</u>
Layer, cages	1000 head			367
Broiler, litter	1000 head			585
Turkeys, litter	1000 head			1400

\* Formed manure storage structure

\*\* Earthen manure storage basin

\*\*\* Anaerobic lagoon

ITEM 4. Amend 567—Chapter 65 by adopting the following new Table 3a:

TABLE 3a.  
Annual Pounds of Phosphorus (as P<sub>2</sub>O<sub>5</sub>) Per Space of Capacity  
Source: Pm-1811 Managing Manure Nutrients for Crop Production

<u>Swine</u>	<u>Space</u>	<u>Liquid, Pit* or Basin**</u>	<u>Liquid, Lagoon***</u>	<u>Solid Manure</u>
Nursery, 25 lb.	1 head	1	0.7	3
Grow-finish, 150 lb.				
Formed storage*				
Dry feeders	1 head	15		18
Wet/dry feeders	1 head	13		18
Earthen storage**	1 head	10		18
Lagoon***	1 head		5	18
Gestation, 400 lb.	1 head	27	4	25
Sow & Litter, 450 lb.	1 crate	26	8	55
Farrow-nursery	Per sow in breeding herd	18	6	55
Farrow-finish	Per sow in breeding herd	109	33	110
<u>Dairy, Confined</u>	<u>Space</u>	<u>Liquid, Pit*</u>	<u>Liquid, Lagoon***</u>	<u>Solid Manure</u>

<u>Swine</u>	<u>Space</u>	<u>Liquid, Pit* or Basin** or Basin**</u>	<u>Liquid, Lagoon***</u>	<u>Solid Manure</u>
Cows, 1200 & up lb	1 head	78	44	42
Heifers, 900 lb.	1 head	38	33	20
Calves, 500 lb.	1 head	22	18	5
Veal calves, 250 lb.	1 head	10	9	3
Dairy herd	Per productive cow in herd	80	66	80

  

<u>Beef, Confined</u>	<u>Space</u>	<u>Liquid, Pit* or Basin**</u>	<u>Liquid, Lagoon***</u>	<u>Solid Manure</u>
Mature cows, 1000 lb.	1 head	66	17	73
Finishing, 900 lb.	1 head	59	14	66
Feeder calves, 500 lb.	1 head	33	8	37

  

<u>Poultry</u>	<u>Space</u>		<u>Dry Manure</u>
Layer, cages	1000 head		840
Broiler, litter	1000 head		585
Turkeys, litter	1000 head		1400

\* Formed manure storage structure

\*\* Earthen manure storage basin

\*\*\* Anaerobic lagoon

ITEM 5. Amend 567—Chapter 65 by adopting the following new Table 4a:

**TABLE 4a.**  
**Phosphorus Removal for Iowa Crops**  
**Source: PM 1688, General Guide for Crop Nutrient Recommendations in Iowa**

<b>CROP</b>	<b>UNITS</b>	<b>P<sub>2</sub>O<sub>5</sub></b> (pounds/unit)
Corn	bu.	0.375
Corn silage	ton (65% H <sub>2</sub> O)	3.5
Soybeans	bu.	0.8
Alfalfa	ton	12.5
Oat and straw	bu.	0.4
Wheat	bu.	0.6
Smooth brome	ton	9
Orchard grass	ton	14
Tall fescue	ton	12
Switch grass	ton	12
Sorghum-sudan	ton	12
	30	

Vetch	ton	12
Red clover	ton	12
Perennial rye grass	ton	12
Timothy	ton	9
Wheat straw	ton	4
Oat straw	ton	5

ITEM 6. Amend 567—Chapter 65, Table 5, as follows:

TABLE 5  
Manure Production Per Space of Capacity

		<u>Daily</u>		<u>Yearly</u>
		<u>Liquid, Pit* or Basin**</u>	<u>Liquid, Lagoon***</u>	<u>Solid Manure</u>
<u>Swine</u>	<u>Space</u>			
Nursery, 25 lb.	1 head	0.2 gal	0.7 gal	0.34 tons
Grow-finish, 150 lb.				
Formed storage*				
Dry feeders	1 head	1.2 gal		2.05 tons
Wet/dry feeders	1 head	<del>0.84</del> 0.90 gal		2.05 tons
Earthen storage**	1 head	1.2 gal		2.05 tons
Lagoon***	1 head		4.1 gal	2.05 tons
Gestation, 400 lb.	1 head	<del>4.6</del> 3.0 gal	3.7 gal	2.77 tons
Sow & Litter, 450 lb.	1 crate	3.5 gal	7.5 gal	6.16 tons
Farrow-nursery	Per sow in breeding herd	2.2 gal	5.4 gal	6.09 tons
Farrow-finish	Per sow in breeding herd	9.4 gal	30 gal	12.25 tons
<u>Dairy, Confined</u>	<u>Space</u>	<u>Liquid, Pit* or Basin**</u>	<u>Liquid, Lagoon***</u>	<u>Solid Manure</u>
Cows, 1200 & up lb.	1 head	<del>44.8</del> 18.0 gal	40.1 gal	<del>19.93</del> 14 tons
Heifers, 900 lb.	1 head	8.8 gal	29.9 gal	<del>14.95</del> 6.5 tons
Calves, 500 lb.	1 head	4.9 gal	16.5 gal	<del>8.30</del> 1.5 tons
Veal calves, 250 lb.	1 head	2.5 gal	8.2 gal	<del>4.15</del> 1.1 tons
Dairy herd	Per productive cow in herd	18.5 gal	59.8 gal	<del>32.77</del> 20 tons
<u>Beef, Confined</u>	<u>Space</u>	<u>Liquid, Pit* or Basin**</u>	<u>Liquid, Lagoon***</u>	<u>Solid Manure</u>
Mature cows, 1000 lb.	1 head	7.2 gal	15.7 gal	12.23 tons
Finishing, 900 lb.	1 head	6.5 gal	13.1 gal	11.00 tons
Feeder calves, 500 lb.	1 head	3.6 gal	7.3 gal	6.11 tons
<u>Poultry</u>	<u>Space</u>			<u>Dry Manure</u>
Layer, cages	1000 head			10.5 tons

<u>Swine</u>	<u>Space</u>	<u>Daily</u>		<u>Yearly</u>
		<u>Liquid, Pit* or Basin**</u>	<u>Liquid, Lagoon***</u>	<u>Solid Manure</u>
Broiler, litter	1000 head			9.00 tons
Turkeys, litter	1000 head			35.00 tons

\* Formed manure storage structure

\*\* Earthen manure storage basin

\*\*\* Anaerobic lagoon

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Date

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Jeffrey R. Vonk, Director